MT LEGISLATIVE HISTORY

Chapter 56 1985

Bill H _____ (S) 18 Original bill & hist. ✓ C

H. Committee on Education + Cultural Resources

Hearing Date(s) Feb 06 ✓ C

Feb 08 ✓ C

_____ ___ C

_____ ___ C

Date Out Feb 08 ✓ C

S. Committee on Education + Cultural Resources

Hearing Date(s) Jan 11 ✓ C

_____ ___ C

_____ ___ C

_____ ___ C

Jan 11 ✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

CHAIRMAN--BLAYLOCK, CHET
NORMAL SCHEDULE==> SITE: ROOM 402 DAYS: M-W-F TIME: 1:00-3:00 P.M.
SECRETARY-ROHYANS, JILL

--BILL NO---	REFER DT--	HEAR DT---	CONSIDER---	FURTHER CONSIDER---	COMMITTEE ACTION--------	*FISCAL NOTE* ORD'D--	*FISCAL NOTE* REC'D--	REREFERRED TO COMM----	DATE OUT-
SB0018	1/07	1/11	1/11		PASS AS AMENDED				~~1/12~~ 1/11
SB0084	1/10	1/18	1/18	1/21	DO PASS				1/21
SB0109	1/15	1/21	1/21	2/4 2/13	PASS AS AMENDED				~~2/14~~ 2/13
SB0117	1/15	1/21	1/21		DO PASS				1/21
SB0167	1/19	1/25	1/25	1/28	PASS AS AMENDED				~~1/29~~ 1/28
SB0168	1/19	1/25	1/25	2/4	PASS AS AMENDED				~~2/05~~ 2/4
SB0172	1/21	2/08	2/08	2/15	TABLED 2/15				
SB0175	1/22	2/01	2/01		PASS AS AMENDED				~~2/02~~ 2/1
SB0243	1/25	no action or hearing due to request of sponsor							
SB0256	1/26	2/06	2/06		PASS AS AMENDED				~~2/07~~ 2/6
SB0269	1/29	2/08	2/08	2/15	PASS AS AMENDED				~~2/16~~ 2/15
SB0271	1/29	2/06	2/06	2/15	PASS AS AMENDED			FINANCE & CLAIMS	~~2/16~~ 2/15
SB0289	1/31	2/08	2/08	2/18	PASS AS AMENDED				2/21
SB0305	2/02	2/13	2/13		ADVERSE REPORT				2/20

SENATE BILL NO. 18

INTRODUCED BY MAZUREK

BY REQUEST OF JOINT INTERIM SUBCOMMITTEE NO. 4

IN THE SENATE

January 7, 1985	Introduced and referred to Committee on Education and Cultural Resources.
January 12, 1985	Committee recommend bill do pass as amended. Report adopted.
January 14, 1985	Bill printed and placed on members' desks.
January 15, 1985	Second reading, pass consideration.
January 16, 1985	Second reading, do pass.
January 17, 1985	Considered correctly engrossed.
January 18, 1985	Third reading, passed. Ayes, 44; Noes, 0 Transmitted to House.

IN THE HOUSE

January 19, 1985	Introduced and referred to Committee on Education and Cultural Resources.
February 9, 1985	Committee recommend bill be concurred in. Report adopted.
March 5, 1985	Second reading, concurred in.
March 6, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 8, 1985 Received from House.

Sent to enrolling.

Reported correctly enrolled.

SENATE BILL NO. 18

INTRODUCED BY MAZUREK

BY REQUEST OF JOINT INTERIM SUBCOMMITTEE NO. 4

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A TEACHER WITH NOTICE OF INTENT TO RECOMMEND DISMISSAL OF THE TEACHER WHILE UNDER CONTRACT WITH A SCHOOL DISTRICT; TO PROVIDE A TENURE TEACHER WITH NOTICE OF INTENT TO RECOMMEND TERMINATION OF SERVICES; TO PROVIDE FOR A HEARING ON THE RECOMMENDATION BEFORE THE BOARD OF TRUSTEES OF A DISTRICT PRIOR TO THE DISMISSAL OF A TEACHER OR THE TERMINATION OF SERVICES OF A TENURE TEACHER; AMENDING SECTIONS 20-4-204 AND 20-4-207, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-4-204, MCA, is amended to read:

"20-4-204. Termination of tenure teacher services. (1) (a) Whenever the trustees of any district resolve to terminate the services of a tenure teacher under the provisions of 20-4-203, they shall, before April 1, notify such teacher of such termination in writing by certified or registered letter or by personal notification for which a signed receipt is returned. Such notification shall include a printed copy of this section for the teacher's information.

(2) Any tenure teacher who receives a notice of termination may request, in writing, 10 days after the receipt of such notice, a written statement declaring clearly and explicitly the specific reason or reasons for the termination of his services, and the trustees shall supply such statement within 10 days after the request.

(3) Within 10 days after the tenure teacher receives the statement of reasons for termination, he may request in writing a hearing before the trustees to reconsider their termination action. When a hearing is requested, the trustees shall conduct such a hearing and reconsider their termination action within 10 days after the receipt of the request for a hearing. If the trustees affirm their decision to terminate the teacher's employment, the The following persons may make a recommendation in writing to the trustees of the district for termination of the services of a tenure teacher:

(i) a district superintendent;

(ii) in a district without a district superintendent, a principal;

(iii) in a district without a district superintendent or a principal, the county superintendent or a trustee of the district.

(b) The recommendation must state the specific reason or reasons leading to the recommendation for termination.

(2) Whenever the trustees of a district receive a recommendation for termination, the trustees shall, before April 1 of the current school fiscal year, notify the teacher of the recommendation for termination and of the teacher's right to a hearing on the recommendation. The notification must be delivered by certified letter or by personal notification for which a signed receipt is returned. The notification must include:

(a) the statement of the reason or reasons that led to the recommendation for termination; and

(b) a printed copy of this section for the teacher's information.

(3) The teacher may, in writing, waive the right to a hearing. Unless the teacher waives the right to a hearing, the trustees shall set a hearing date, giving consideration to the convenience of the teacher, not less than 10 days or more than 20 days from receipt of the notice of recommendation for termination.

(4) The trustees shall:

(a) conduct the hearing on the recommendation at a regularly scheduled or special meeting of the board of trustees and in accordance with 2-3-203; and

(b) resolve at the conclusion of the hearing to terminate the teacher or to reject the recommendation for termination.

(5) The tenure teacher may appeal ~~their~~ a decision to terminate to the county superintendent who may appoint a qualified attorney at law as legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law.

~~(4)~~(6) Subsequently, either the teacher or the trustees may appeal to the superintendent of public instruction under the provision for the appeal of controversies in this title."

Section 2. Section 20-4-207, MCA, is amended to read:

"20-4-207. Dismissal of teacher under contract. (1) The trustees of any district may dismiss a teacher before the expiration of his employment contract for immorality, unfitness, incompetence, or violation of the adopted policies of such trustees.

(2) (a) The following persons may recommend the dismissal of a teacher for cause under subsection (1):

(i) a district superintendent;

(ii) in a district without a district superintendent, a principal; or

(iii) in a district without a district superintendent or a principal, the county superintendent or a trustee of the district.

(b) A person listed in subsection (2)(a) who recommends dismissal of a teacher shall give notice of the

recommendation in writing to each trustee of the district and to the teacher.

(c) The notice must state the specific instances of behavior or acts that led to the recommendation for dismissal.

(3) (a) Whenever the trustees of any district receive a recommendation for dismissal, the trustees shall notify the teacher of his right to a hearing before the trustees either by certified letter or by personal notification for which a signed receipt must be returned. The teacher may in writing waive the right to a hearing. Unless the teacher waives the right to a hearing, the teacher and trustees shall agree on a hearing date not less than 5 days or more than 20 days from the notice of intent to recommend dismissal.

(b) The trustees shall conduct a hearing on the recommendation and resolve at the conclusion of the hearing to dismiss the teacher or to reject the recommendation for dismissal.

(4) With the exception of a county superintendent, a person who recommends dismissal pursuant to subsection (2) may suspend the teacher from active performance of duty with or without pay pending the hearing date if the teacher's behavior or acts that led to the recommendation for dismissal are contrary to the welfare of the students or the

effective operation of the school district.

~~(2)~~(5) Any teacher who has been dismissed may in writing within 10 days appeal such dismissal to the county superintendent. Following such appeal a hearing shall be held within 10 days. If the county superintendent, after a hearing, determines that the dismissal by the trustees was made without good cause, he shall order the trustees to reinstate such teacher and to compensate such teacher at his contract amount for the time lost during the pending of the appeal."

-End-

DATE

COMMITTEE ON Education BILL NO. SB 18

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Oppose
Bill Anderson	OPI SB 18	✓	
Phil Campbell	MEA SB 18	✓	
Ken Treon	MACSS SB 18	✓	
Roy Waldron	Kellogg Flour Dist #	✓	
Jesse W Long	School Admin of MT	✓	
Wayne Buchanan	MSBA Mac Johnson	✓	
Amy Lynn Kinsey	MFT SB 318	✓	

(Please leave prepared statement with Secretary)

MONTANA·EDUCATION·ASSOCIATION

proud of our past...confident in our future

EXHIBIT # 1
Jan. 11, 1985
Education and
Cultural Resourc
SB 18

January 11, 1985

TO: Senate Education Committee

FROM: Montana Education Association

RE: SB 18

The Montana Education Association wishes to suggest the following amendments to Senate Bill 18:

Page 2, Line 24, after the word "state" insert the words "clearly and explicitly"...

Page 5, Line 23, delete the words "or without."

1232 East Sixth Avenue • Helena, Montana 59601 • 406-442-4250 • NEA Affiliate

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

January 11, 1985

The second meeting of the Senate Education and Cultural Resources Committee was called to order by the Chairman, Senator Chet Blaylock, on January 11, 1985, at 1:00 p.m. in Room 402, State Capitol Building.

ROLL CALL: Roll was called and all members of the committee were present.

CONSIDERATION OF SENATE BILL 18

SENATOR JOE MAZUREK, District 23, sponsor of the bill, stated those serving on the interim committee on tenure were Senators Haffey, Hammond and Tveit and Representatives Pavlovich, Hannah, Ferris and Jones. This bill is one of two bills which the committee recommended. Neither of the two bills propose any major change in teacher tenure.

Senator Mazurek introduced Andrea Merrill as the interim committee reasearcher and praised her for an excellent job.

Senator Mazurek explained that it takes three years for a teacher to acquire tenure and in acquiring tenure the teacher gets the right to be advised as to the reasons for termination and an opportunity to be heard and contest those reasons. The committee, in their investigation, was satisfied that the tenure system was working well enough that no substantive modifications were necessary. There are some gains being made by administrators in evaluations of teachers for constructive purposes and for termination when necessary. This bill is narrow in its scope. The committee found the appeals process of a teacher who is terminated or not renewed while under contract, tenured or not, is cumbersome. He said they wrestled with this problem and decided that politically there was nothing they could do to streamline the process except for one small step which resulted in this bill.

Currently, if a superintendent decides that a tenured teacher should not be renewed, the superintendent takes that information to the Board of Trustees, and if they are of the same opinion, the teacher must be notified before the first of April. The teacher can then request a list of reasons for the termination within ten days after the judgement, then within ten days of the receipt of that notice can ask for a second hearing of

the Board for reconsideration. If no decision is made at that time, the decision goes to the County Superintendent; from there it can be appealed to the Office of Public Instruction. Further appeals can be made to District Court and the Supreme Court. It sometimes takes three or more years to get a final decision. The law provides for adequate review procedures but they are terribly time consuming.

Senator Mazurek called attention to the fact that the intent was not to change the provisions of the existing law, only the procedure. He pointed out the new language in the bill on page two and then reviewed the entire bill for the committee. The new process allows the teacher, those presenting the charges, i.e., superintendent, principal, county superintendent, to appear together before the Board in a one step hearing process.

PROPONENTS

WAYNE BUCHANAN, representing the Montana School Board Association, stated this committee worked as hard as any committee he has ever seen and developed a deceptively good bill. Mr. Buchanan stated in Montana there is a sort of "Alice in Wonderland" process to terminate a tenured teacher, i.e., "first of all we'll give the prizes and then we will have the game". According to current law, a decision to dismiss a teacher is made by the School Board and a hearing is held with the teacher appearing and trying to get the Board to change its mind. School Boards should serve as an impartial hearing body and many Boards are now following the procedures outlined in this bill. He urged passage of the bill.

PHIL CAMPBELL, representing the Montana Education Association, stated this is a good bill, but suggested two amendments. (Exhibit 1). First, to reinsert "clearly and explicitly" in page two, line 24; second, to strike "or without" page 5, line 23. He pointed out a case in Missoula which was referred to OPI, the decision being you cannot suspend someone without pay without a hearing because you take away their financial resources to defend themselves.

TERRY MINOW, representing the Montana Federation of Teachers, urged passage of SB 18.

JESSE W. LONG, representing the School Administrators of Montana, voiced their support of the bill.

RICHARD TRERISE, representing the Montana Association of County Superintendents of Schools, stated they would like to go on record as supporting the bill. He stated a School Board often makes a decision on the recommendation of the administrator and they are reluctant to go back and change that decision.

BILL ANDERSON, Office of Public Instruction, spoke in support of the bill. He felt the strong points of the bill are 1) the teacher will be notified of his or her rights, 2) the School Board will be kept in the hearing process even though the recommendation has been made to them by the administrator, and 3) the length of time to get an answer is shortened.

DON WALDRON, Hellgate Elementary District, Missoula, said he has some concerns with the wording of the bill. He said normally a principal does not sit down in his office one day and decide to fire a teacher, it is well thought out. The Board then acts on the decision and recommendation of the administrator rather than initiating action on its own.

SENATOR SMITH asked the committee the reasons for the deletions.

SENATOR MAZUREK said the committee may have felt the language was redundant but now he suspects that by taking it out it may be misinterpreted.

SENATOR YELLOWTAIL asked Mr. Campbell the major reasons for dismissal of a teacher.

MR. CAMPBELL stated the only reasons for dismissal while under contract, tenure or otherwise, as specified in the statutes, are immorality, unfitness, incompetence, and failure to follow policies.

SENATOR MAZUREK closed on SB 18 and stated Mr. Waldron of Missoula did raise a point about the trustees not being able to terminate.

There were no further proponents and no opponents to the bill.

COMMITTEE DISCUSSION

SENATOR BLAYLOCK commented that in the State of Montana the Constitution does give the School Board the power to run the schools.

SENATOR SMITH asked if the School Board has the power to terminate the administrator if he doesnot act on their behalf.

SENATOR PINSONEAULT said getting an attorney involved slows down the process. He feels the facts should be put together and sent to the Superintendent to do a paper review, then to

OPI for the de-novo at that level.

DICK TRERISE, Lewis and Clark County Superintendent of Schools, said that the de-novo hearing has to be based on the reasons the trustees started with. The de-novo hearing is before an impartial hearing officer and the School Board cannot be there. The issue being if you are going to have an impartial hearing it should be at the local and not the state level.

The hearing was closed on SB 18.

ACTION ON SENATE BILL 18

SENATOR HAFFEY asked Andrea Merrill, researcher, to respond to the possible hole left in the bill regarding the trustees' power.

ANDREA MERRILL said that if it is a problem in one place, it will be all the way through the bill, therefore, subsection (1)(a) at the bottom of page 2 an amendment could be made that says "nothing in this bill would prohibit the board of trustees from resolving to terminate or dismiss a teacher without a recommendation". This would almost give them the power they have right now.

After some discussion, it was decided the amendment was not necessary.

SENATOR HAFFEY MOVED TO AMEND THE BILL AS PER AMENDMENT #1, ATTACHED STANDING COMMITTEE REPORT (EXHIBIT #2).

SENATOR SMITH still questioned the necessity for the extra words.

THE MOTION CARRIED with Senator Smith voting no.

SENATOR HAFFEY MOVED TO AMEND THE BILL AS PER AMENDMENT #2, ATTACHED STANDING COMMITTEE REPORT (EXHIBIT #2).

THE MOTION PASSED UNANIMOUSLY.

SENATOR HAFFEY MOVED SB 18 DO PASS AS AMENDED.

THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT: There being no further business, the meeting adjourned at 2:30 p.m.

Chet Blaylock
Senator Chet Blaylock, Chairman

jdr

STANDING COMMITTEE REPORT

EXHIBIT # 2
Education and
Cultural Resour

January 11 19 85

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE BILL No. 18

first reading copy (white color)

PROVIDE TEACHER WITH NOTICE AND HEARING PRIOR TO DISMISSAL UNDER CONTRACT

Respectfully report as follows: That SENATE BILL No. 18

introduced bill be amended, as follows:

1. Page 2, line 24.
   Following "state"
   Insert: "clearly and explicitly"

2. Page 5, line 23.
   Following: line 22.
   Strike: "or without"

And, as so amended

DO PASS

~~DO NOT PASS~~

SENATOR CHET BLAYLOCK, Chairman.

(To be kept current -- post bills when entering being heard or leaving committee.) Form C

STATUS SHEET

1985 LEGISLATIVE SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

SENATE BILLS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
18	1-19	2-6	2-8				2-8		
84	1-28	3-8	3-8				3-8		
106	2-27	3-8	3-11	(TABLED)				3-18	
109	2-27	3-8	3-8					3-8	
117	1-28	3-11	3-11				3-11		
167	2-27	3-11	3-20					3-20	
168	2-27	3-18	3-18	(Called to Floor 3-29) (Returned to Committee 3-21)			3-18	(TABLED 3-22)	
175	2-27	3-11	3-11				3-11		
256	2-27	3-18		(TABLED 3-22)					
289	2-27	3-20	3-20					3-20	
316	2-27	3-22					3-22		
319	2-27	3-20	3-20				3-20		
320	2-27	3-22	3-22					3-22	

...from Senate, House Bills and Resolutions

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 6, 1985

The meeting of the House Education and Cultural Resources Committee was called to order by Chairman Harrington at 3:10 p.m. on February 6, 1985 in Room 312-3 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL 18: Senator Joseph Mazurek, District #23, introduced SB 18 as sponsor of the bill. He relayed that this bill was a product of a joint interim committee which studied employment reference and teacher tenure. The bills takes steps to shorten the process of terminating a teacher and deals with non-renewal and dismissal in cases of tenured and non-tenured staff. In Section 2 it requires a superintendent, principal, or a trustee (in the even the district does not have a superintendent or principal) to give notice to the board and the teacher for both parties to come before the board for a hearing. This eliminates need for an additional hearing and it may be more fair since both sides are present. There was no opposition to the bill on the Senate side. He referred any questions to Andrea Merrill who also served on the interim committee.

PROPONENTS: Wayne Buchanan with the Montana School Board Association thanked Senator Mazurek and the interim committee for the work done on the tenure study. Mr. Buchanan felt it was a step in the right direction. It implements a recommendation that the School Board Association has been making for years. The school boards really aren't sitting as an impartial tribunal at present as the law reads that the board make up its mind to dismiss the individual before he can present his side of the story to them. This bill should streamline the process and be more fair.

Eric Fever from the Montana Education Association said SB 18 does provide a slight modification in the hearing process and is supported by the education community.

Terry Minow, Montana Federation of Teachers expressed support of the legislation.

Jesse Long, Executive Secretary of the School Administrators of Montana asked concurrence of the bill as the change has already been occuring at the district level. The bill would clarify the dismissal procedure.

Richard Trerise representing the Montana Association of County School Superintendents offered support of the bill as it provides that the Board of Trustees hears both sides of the argument before they make a decision.

Bill Anderson from the Office of Public Instruction thanked the interim committee and urged support.

There being no opponents and no further proponents, Chairman Harrington opened the floor to questions from the Committee.

Rep. Peck clarified with Sen. Mazurek that this bill covers non-renewal and dismissal both in Sections 1 and 2 respectively. Rep. Peck said that a person could request a private rather than a public hearing and also wondered if an extension of rulemaking authority needed to be attached. It was a general feeling that it would not be needed. In answer to Rep. Williams, Senator Mazurek assured the committee that the bill applies to tenured and non-tenured teachers who would be dismissed during the contract year.

It was pointed out to Rep. Sands that page 3, line 23, 2-3-203 MCA was the open meeting law as explained by Andi Merrill.

Rep. Mercer questioned whether the language "clearly and explicitly" on Page 2, lines 24 and 25 were excessive. Sen. Mazurek said they reworded the language that was already in the statute. There has been a lot of case law on the subject and it was a request of the MEA that it be left in. Rep. Sands questioned the standards of review and was told that the Montana Administrators Procedures Act applies in this bill. Rep. Mazurek said he believed it was substantial evidence.

Section 1 applies to a tenured teacher who is not renewed and Section 20-4-207 deals with dismissal of a teacher during the contract year. The bill does not apply to a first, second, or third year teacher who has not accepted the fourth (or tenure) contract.

Rep. Montayne asked if the bill removed avenues to contest the dismissal and was told by Senator Mazurek that it did not.

Rep. Williams questioned Wayne Buchanan of the present system used for terminating a first year teacher, to which it was answered that the procedure is very much like what the bill suggests;the differences being that the teacher has a hearing before the board of trustees. Another major change in Section 3 is that the teacher may waive the right to a hearing. It was confirmed that the waiver would have to be in writing and a signature may be required on a statement explaining that they had a right to a hearing and all ramifications are understood.

Rep. Sands questioned if Senator Mazurek had any objections to the bill being amended along the lines of the board notifying the teacher that he or she is entitled to a hearing which would be held only if the teacher requested it. Senator Mazurek said they did not address the standard of review at all. He didn't see much problem with the suggestion from Rep. Sands.

It was pointed out by Rep. Eudaily that there is a problem if the district does not have a superintendent or principal that the trustee would have to sit in judgement of the employee. In the small districts a trustee has to be given the authority to do so.

Senator Mazurek closed the hearing on S.B. 18 by thanking the committee and hoping they would not be influenced by the bill passing in the Senate at a vote of 44-0.

CONSIDERATION OF H.B. 397 & 399: Chairman Harrington relayed that these bills would be heard together as their nature was complimentary. Representative Tom Jones, District #4, commenced by saying that he served on the interim committee studying teacher tenure and felt a need to do something. In his district of 3,500, 76% were in favor of abolishing tenure. Tenure does not help good teachers, it only protects those who are satisfied with doing a mediocre or poor job. H.B. 397 establishes a system of evaluation and remediation each year and provides an opportunity for a hearing before a hearing officer. In H.B. 399, any teacher recommended for non-renewal of contract will have a similar hearing process. The reasons for non-renewal must be related to professional ability or a reduction in staff. He said he has received several letters in support of these bills and read one to the committee.

PROPONENTS: Marg Green from the Montana Farm Bureau Federation spoke in support of these bills.

Wayne Buchanan from the Montana School Board's Association rose and spoke neither for nor against the bills. He felt the bills are a response to a problem and that tenure is unpopular, but there are some good things connected with tenure. He suggests a solution may be forthcoming in the near future and the last legislative session the negotiations were at hand and hopes to sit down with Eric Fever soon and talk over the problems. He felt it was good to have these bills before the committee, but was not ready to support H.B 399 or 397.

OPPONENTS: Eric Fever from the Montana Education Association said that his association has offered just cause/due process to replace tenure in the past. H.B. 11 and S.B. 18 came from the interim committee as a result of these proposals. He said that tenure statues do not protect incompetence, the statues provide a three year probationary period now which is a great deal of time to establish competence. He felt tenure is a constitutional protection for a right to work at a salary not less than the previous year. H.B. 397 should not give the Board of Trustees the sole responsibility of evaluation and remediation without the teacher's bargaining agent present. There is no guarantee that a comparable salary will be offered teachers upon renewal. There is no mutual designation of a hearing officer. H.B. 399 needs to impel channels of communication between the board of trustees and the employees. The

of Public Instruction to pay special education cooperatives directly from the State Special Revenue Fund.

PROPONENTS: Bob Stockton from the Office of Public Instruction spoke in support of the bill as it simplifies a difficult process.

Jesse Long with the School Administrators of Montana said the bill would reduce paperwork.

There being no opponents and no significant discussion, the Committee took ACTION ON H.B. 432: Rep. Williams made a motion of DO PASS to H.B. 432 and a voice vote showed it passed unanimously.

CONSIDERATION OF H.B. 416: Representative Vernon Keller, District #83, spoke on this bill at the request of the Office of Public Instruction, for whom it was sponsored. It calls for third class districts that do not have high schools to send a copy of their audits to the Superintendent of Public Instruction. At present audits are sent to them by the first and second class districts.

PROPONENTS: Bob Stockton, with the Office of Public Instruction spoke as the responsible agency for the accounting procedures and said it was an oversight that it was not in the statues.

OPPONENTS: Ernie Jean from Opheim School District #9 opposed the bill as he felt it was not needed.

Rep. Keller closed the hearing on H.B. 416.

ACTION ON H.B. 416: Rep. Williams motioned that H.B. 416 DO PASS. The motion carried by unanimous voice vote.

ACTION ON H.B. 417: This bill was returned to the committee for further consideration. Representative Peck moved that the bill be TABLED, Rep. Hammond seconded the motion and it passed unanimously.

ACTION ON H.B. 397 & 399: Rep. Thomas moved to reconsider the action of creating a sub-committee to study these bills. The motion was seconded by Rep. Hammond. Voice vote indicated all in favor with the exceptions of Representatives Sands and Williams.

Rep. Kitselman proposed a substitute motion to TABLE H.B.'s 397 & 399, which passed with committee approval by voice, showing Representatives Hannah, Sands, and Mercer opposed to the substitute motion.

ACTION ON S.B. 18: Rep. Kitselman moved that S.B. 18 BE CONCURRED IN to which Rep. Brandewie offered a second. A voice vote showed that it passed with Rep. Hannah opposed.

Rep. Thomas made a motion that H.B 211 DO PASS. The motion was seconded by Rep. Mercer. A roll call vote showed 7 for, 11 against, the motion failed. These bills will be sent to the sub-committee for further study. It was noted that H.B. 212 need not be put into the sub-committee, but will be held for the time being.

ACTION ON H.B. 412: Rep. Williams moved a DO PASS to H.B. 412. A motion was made by Rep. Brandewie to strike the word "seriously" in the bill. The motion failed by show of hands as 11 were against the proposal.

Andrea Merrill, Legislative Researcher, said an amendment would be needed for the extension of rulemaking authority. Rep. Brandewie moved that this be done, Rep. Eudaily seconded the motion and it passed unanimously.

Rep. Hannah moved that on Page 3, lines 20, 21, & 22, the new language be stricken as it expands the authority of the district to provide programs for children under 6. A voice vote and hands showed five against, the new language will be stricken.

Representative Brandewie seconded the motion that H.B. 412 DO PASS AS AMENDED. A voice vote showed unanimous approval.

ACTION ON H.B. 415: Rep. Eudaily moved H.B. 415 DO PASS. Rep. Brandewie seconded the motion. Rep. Eudaily questioned the need for an amendment to provide an immediate effective date. A substitute motion was offered by Rep. Thomas that H.B. 415 DO NOT PASS; Rep. Hannah seconded this motion and a roll call vote showed 13 for the motion and 5 against.

ACTION ON H.B. 397, 399 & S.B. 18: Rep. Harbin made a motion to table these bills. Rep. Sands made a substitute motion suggesting a sub-committee study these bills and make a recommendation. Rep. Hannah seconded this motion and a voice vote and show of hands indicated the motion carried by majority as there were 6 opposed. H.B. 397, 399, and S.B. 18 will be REFERRED TO A SUB-COMMITTEE.

There being no further business, the committee adjourned at 5:00 p.m.

Dan Harrington

DAN HARRINGTON, Chairman

crf

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-6-85

NAME	PRESENT	ABSENT	EXCUSED
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie	✓		
William Glaser	✓		
Joe Hammond	✓		
Thom Hannah	✓		
Raymond Harbin	✓		
Roland Kennerly	✓		
Les Kitselman	✓		
John Mercer	✓		
John Montayne	✓		
Richard Nelson	✓		
Jerry Nisbet	✓		
Ray Peck	✓		
Jack Sands	✓		
Ted Schye	✓		
Fred Thomas	✓		
Mel Williams	✓		

VISITOR'S REGISTER

HOUSE EDUCATION COMMITTEE

BILL S.B. 18 DATE 2-6-85

SPONSOR MASUREK--TEACHER NOTICE & HEARING PRIOR TO DISMISSAL

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Richard	Helena	MRCSS	✓	
John Malee	Butte	M.F.T.	✓	
Eric Jan	Helena	MEA	✓	
Bill Anderson	"	OPI	✓	
Jerry Kimes	Boulder	MFT	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-8-85

NAME	PRESENT	ABSENT	EXCUSED
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie	✓		
William Glaser	✓		
Joe Hammond	✓		
Thom Hannah	✓		
Raymond Harbin	✓		
Roland Kennerly	✓		
Les Kitselman	✓		
John Mercer	✓		
John Montayne	✓		
Richard Nelson	✓		
Jerry Nisbet	✓		
Ray Peck	✓		
Jack Sands	✓		
Ted Schye	✓		
Fred Thomas	✓		
Mel Williams	✓		

FEBRUARY 8 19 85

MR. SPEAKER

We, your committee on EDUCATION & CULTURAL RESOURCES

having had under consideration SENATE Bill No. 18

THIRD reading copy (BLUE color)

PROVIDE TEACHER WITH NOTICE AND HEARING PRIOR TO DISMISSAL UNDER CONTRACT

Respectfully report as follows: That SENATE Bill No. 18

BE CONCURRED IN

~~BE NOT CONCURRED IN~~

~~DO PASS~~

DAN HARRINGTON Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY